

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
TUESDAY, SEPTEMBER 6, 2005 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCE TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION; AND ORDINANCE TO BE INTRODUCED:

ITEM-S502: Emergencies and Major Disasters Unfair Pricing Practices.

CITY ATTORNEY’S RECOMMENDATION:

Introduce and adopt the ordinance in Subitem A; and introduce the ordinance in
Subitem B:

Subitem-A: (O-2006-31)

Introduction and adoption of an Ordinance amending Chapter 5, Article 1, of the
San Diego Municipal Code by adding a New Division 2, Sections 51.0201,
51.0202, 51.0203, and 51.0204, all related to Emergencies and Major Disasters
Unfair Pricing Practices.

NOTE: 6 votes required pursuant to Section 17 of the City Charter.

Subitem-B: (O-2006-33)

Introduction of an Ordinance amending Chapter 5, Article 1, of the San Diego
Municipal Code by adding a New Division 2, Sections 51.0201, 51.0202,
51.0203, and 51.0204, all related to Emergencies and Major Disasters Unfair
Pricing Practices.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)
ORDINANCE TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION; AND ORDINANCE TO BE INTRODUCED: (Continued)

ITEM-S502: (Continued)

SUPPORTING INFORMATION:

The City Council of the City of San Diego finds that some unscrupulous merchants are taking advantage of citizens during and after both natural and manmade disasters by engaging in unfair pricing practices during and shortly after a state of emergency.

The state law provides protections to citizens from unfair pricing practices during and shortly after a state of emergency, through both civil and criminal remedies.

State law allows local governments to enact ordinances which prohibit unfair pricing practices during and shortly after a state of emergency and to impose penalties.

The City Council of the City of San Diego finds that local regulation is needed to further deter and curb unfair pricing practices and to protect the health, safety, and welfare of its citizens.

The City Council pursuant to Charter Section 17, is authorized to pass an emergency ordinance for the immediate preservation of the public peace, property, health, or safety.

Gas prices have risen to unprecedented levels, exacerbated by Hurricane Katrina.

Hurricane Katrina has resulted in a dramatic increase in gasoline prices which economists predict will raise the prices of consumer food items, heating oil, and other basic necessities essential to public health and safety.

The City Council finds that an emergency ordinance is necessary due to the rapidly increasing price of gasoline, which affects the ability of the City to deliver basic public services, including fire and police services.

These basic City services are needed to protect the health, and safety of the citizens of San Diego and to preserve the public peace.

As to all unfair pricing practices, there is currently no enforcement mechanism to prevent unfair pricing absent a declaration of a state of emergency in California by the Governor or local officials.

An enforcement mechanism is needed to protect San Diego consumers from the effect of unfair pricing in the local market.

The City Council declares an emergency under Charter Section 17 and desires to enact an ordinance which provides those further protections to its citizens.

Aguirre/Heumenn